

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LADERIAN MCGHEE,

Plaintiff,

v.

Case No. 09-CV-1011

GREG GRAMS,

Defendant.

ORDER

On October 26, 2009, the petitioner, Laderian McGhee, who is proceeding pro se, filed a petition for a writ of habeas corpus. On July 1, 2010, the petitioner filed a letter seeking to voluntarily withdraw his petition while he sought reinstatement of his direct-appeal rights with the state courts, and stating that he would re-file the petition at a later date. On July 2, 2010, the respondent filed a letter stating his concern that the petitioner's request to withdraw was made based on a mistaken view of the law. The respondent asked this court to clarify the potential consequences of withdrawal for the petitioner and ask the petitioner to confirm whether he wished to withdraw the petition in light of those consequences. By order dated July 26, 2010, this court granted the respondent's request and asked the petitioner to inform the court whether he wished to withdraw the petition or proceed.

On August 10, 2010, the petitioner filed a letter with this court, confirming his understanding of the potential consequences of withdrawing his petition at this time. The petitioner writes that he "wish[es] to withdraw my current petition despite the possible consequences of this action." (Petitioner's August 10, 2010, Letter at 1).

Accordingly, the petitioner's request to withdraw will be **granted**.

NOW, THEREFORE, IT IS ORDERED that the petitioner's motion for withdrawal be and hereby is **granted**.

IT IS FURTHER ORDERED that this action be and hereby is **dismissed** without prejudice.

IT IS ALSO ORDERED that the clerk of court enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 12th day of August, 2010.

BY THE COURT:

s/Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge